

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

937 WRIT PETITION NO.11561 OF 2022

ARUNA PRAKASH WANKHEDE AND OTHERS  
VERSUS  
SAHEBRAO HARI GAWAI

...

Advocate for Petitioners : Mr Azizoddin R. Syed

**CORAM : SANDEEP V. MARNE, J.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2022**

**PER COURT :**

1. By this petition, petitioners challenge order dated 5<sup>th</sup> August, 2022 passed by the Civil Judge, Senior Division, Bhusawal on application below Exh. 84 in R.C.S. No. 231/2014. That application was filed by petitioner/defendant No. 3 seeking to discard the amendment in the plaint carried out by the plaintiff on 07.01.2022.

2. The application for amendment was allowed on 3<sup>rd</sup> December, 2021 and the plaintiff/respondent was directed to carry out the amendment within statutory period. The statutory period of 14 days as provided under Order 6 Rule 18 of the Code of Civil Procedure (for short "Code") would come to an end by 17<sup>th</sup> December, 2021. It appears that the defendant belatedly carried out the amendment on 07.01.2022. Only on that ground, the application was moved by petitioner/defendant No. 3 to discard amendment carried out in the plaint.

3. The trial court has rejected the application holding that the defect procedural in nature. Even otherwise, under the provisions of the Order 6 Rule 18 of the Code, the Court has necessary powers to extend the period for carrying out the amendment. The petition is misconceived and the same is dismissed with no order as to costs.

**[ SANDEEP V. MARNE, J.]**

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